

REMARKS

In this Amendment, the Applicant has cancelled claims 15-23 which were previously withdrawn subject to the Restriction Requirement mailed February 8, 2005. Claims 1 to 14 were previously cancelled.

Claims 24 to 33 were rejected under the “judicially created doctrine of obviousness-type double patenting” as unpatentable over claims 1 to 14 of U.S. Patent No. 6,360,962. The Applicant respectfully traverses this rejection based upon the fact that this application and U.S. Patent No. 6,360,962 *both claim priority* to Provisional Application No. 60/079,565, filed on March 27, 1998. Thus, the grant of a patent based upon this application *will not extend the term of the patent* beyond the term of U.S. Patent No. 6,360,962.

However, because this application is condition for allowance except for the rejection of claims 24 to 33 based upon the judicially created doctrine of obviousness-type double patenting, there is attached a Terminal Disclaimer disclaiming the term of the patent granted upon this application which extends beyond the term of the U.S. Patent No. 6,360,962. In the event that

Enclosed is our check in the amount of \$130.00 as required for the filing of the Terminal Disclaimer. If there are any additional fees due, the Commissioner is authorized to charge our Deposit Account for those additional fees or credit the account for any overpayments regarding this Amendment.

Respectfully submitted,

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Dated: July 28, 2005



CERTIFICATE OF EXPRESS MAILING

I hereby certify that the enclosed **Amendment, Terminal Disclaimer and fee** are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope as "Express Mail Post Office to Addressee," Mailing Label No. **EV612879279US** and addressed to Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **July 28, 2005**.



Tracy L. Smith

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